

**FINAL**

**MINUTES OF THE COTTONWOOD HEIGHTS CITY  
PLANNING COMMISSION MEETING**

**Wednesday, January 4, 2012**

**6:00 p.m.**

**Cottonwood Heights City Council Room  
1265 East Fort Union Boulevard, Suite 300  
Cottonwood Heights, Utah**

***ATTENDANCE***

**Planning Commission Members:**

Perry Bolyard, Chair  
Lindsay Holt  
Joseph L. Scott  
James S. Jones, Alternate  
Dennis Peters  
Jennifer Shah  
Gordon Walker

**City Staff:**

Brian Berndt, Planning Director  
Morgan Brim, City Planner  
Shane Topham, City Attorney  
Linda Dunlavy, Administrative Services Director

**BUSINESS MEETING**

**1.0 WELCOME/ACKNOWLEDGEMENTS – CHAIR BOLYARD**

Chairman Perry Bolyard called the meeting to order at 6:00 p.m.

**2.0 CITIZEN COMMENTS**

There were no citizen comments.

**3.0 ACTION ITEMS**

**3.1 (Project #TA 11-011) Action Taken on a Proposal to Adopt the Canyon Residential Development New Zoning Category to the Cottonwood Heights Municipal Code.**

(18:02:20) The matter was discussed among the Commission.

Commissioner Holt felt the Commission could move forward to recommend a Canyon Residential Development Zone, however, she was concerned about the densities proposed and wanted to review alternate proposals addressing how the density was calculated. She suggested the Commission Members become familiar with what was proposed by the Committee and analyze how those densities agree with the current zoning densities. At the same time she wanted to maintain the density bonuses due to the importance of the hillside image. She noted that citizens are most concerned with aesthetics. Commissioner Shah echoed Commissioner Holt's concerns.

Commissioner Scott struggled with the concept of adopting the new zone for one specific piece of property. His opinion was that the impetus was solely from the City Council.

***(18:07:13) Commissioner Scott moved to not recommend approval to the City Council of the Canyon Residential Development Zone, Chapter 19.32, as written. Commissioner Shah seconded the motion.***

Commissioner Scott was asked if his intent was to not recommend a zone or to seek amendments to the verbiage and/or concepts contained in the current zone. It was recommended that the words “as written” be removed from the motion. Commissioner Scott responded that the motion was to not recommend approval of any CRD Zone.

***Commissioner Scott amended and restated the motion to not recommend approval of the Canyon Residential Development Zone (CRD) to the Cottonwood Heights City Council. Commissioner Peters seconded the motion.***

(18:10:25) Commissioner Peters remarked that he would like to see somewhat lower densities; however, in the absence of any concrete proposal from the developer, he did not see a reason for the City to proceed.

Commissioner Holt agreed but stated that she has never worked on a project where the developer was not actively participating with the City. She considered this to be very different from any other proposal presented to the Commission in the past. Her preference was to have control over what is developed on the ridgeline as opposed to allowing the developer to come back with a proposal for 94 units with increased densities on ridgelines and hillsides. For that reason she would not support the motion. While she would not have voted for approval either, her preference would have been to amend the proposal. Commissioner Shah agreed and recognized that the real advantage for the City and residents is that they will have control over the placement of structures.

Commissioner Walker asked to be allowed to query a member of the audience as a point of discussion. Chair Bolyard allowed for the question. Commissioner Walker addressed Attorney Bruce Baird and stated that one of the key concerns some of the Commissioners have had is that they feel they are “negotiating with an empty chair”. Mr. Baird confirmed that he represents the property owner. Commissioner Walker asked Mr. Baird if a recommendation of approval were made tonight to the City Council whether it would be considered sufficient utilization of the land and allows the developer to move forward. Mr. Baird responded that it would not. He stated that the ordinance is badly written, is a bait and switch, and doesn’t allow anything close to the current density. He considered what is being proposed by the City to be a litigation effort. Chair Bolyard asked Mr. Baird to clarify whether the Commission in this case can do anything that would be acceptable to the developer. Mr. Baird stated that there is an ordinance pending that is not close to what would constitute a reasonable development project. He remarked that the commercial development portion is problematic but the residential density and development plan contemplated is not financially viable. He remarked that the proposed ordinance does not work for various reasons including numerous internal flaws.

Commissioner Holt commented that all that can be built currently without a secondary access road is 200 residential units. Until the secondary access road is constructed in 10 to 20 years, nothing

beyond residential can be developed anyway. She felt that the currently allowed 94 units will work on the property.

It seemed apparent to Commissioner Peters that the developer wants no part of anything proposed over the past few months, including the initial proposal that went before the City Council, which was denied. He supported the motion made and saw no reason to move forward given the fact that it does not fit what is proposed by the developer. Until the developer presents a proposal that the City can support, he saw no reason to proceed.

Commissioner Scott did not feel the developer was ever interested in working with the City and was of the belief that they can get a better deal with Salt Lake County.

Commissioner Shah's understanding was that the ordinance was City-initiated and the purpose of the chapter was to benefit what the City considers opportunities going forward. The intent was to potentially have a mix of dwelling unit types that would support traditional residential as well as smaller short-term rental units that would support a larger mixed-use development proposed in the gravel pit and tourism in the community. Regardless of the developer that would use the ordinance, there was some question as to whether the ordinance, as written, with the current density is appropriate for the area.

Commissioner Peters agreed that what is proposed is a good fit for the property; however, the developer is not willing to invest in the resources necessary to make it happen. He considered what is proposed to be premature.

Commissioner Scott put forth the motion because he did not consider it a good fit for the property. He noted that the City was vehemently opposed to short-term rentals until recently. He did not understand why that changed. He preferred a hotel to what is proposed because it can at least be controlled. Commissioner Holt did not think the real need for a master plan in the area was being highlighted. She also pointed out that unfortunately, the project was approved by the County before the City could consider it.

***(18:24:04) Commissioner Walker offered a substitute motion and stated that inasmuch as the Canyon Residential Development Ordinance has been drafted as a City-sponsored ordinance, he moved its approval as offered. Commissioner Jones seconded the motion. Vote on substitute motion: Dennis Peters-Nay, Joseph L. Scott-Nay, Gordon Walker-Aye, Lindsay Holt-Nay, Jennifer Shah-Nay, James S. Jones-Aye, Chair Perry Bolyard-Aye. The motion failed 4-to-3.***

***Vote on motion: Dennis Peters-Aye, Joseph L. Scott-Aye, Gordon Walker-Nay, Lindsay Holt-Nay, Jennifer Shah-Aye, James S. Jones-Nay, Chair Perry Bolyard-Nay. The motion failed 4-to-3.***

***(18:28:27) Commissioner Holt moved to approve as-is with a revision to the density to allow approximately 100 units with a bonus density of 25%, which would allow approximately 125 units. The motion died for lack of a second.***

***Commissioner Shah moved to entertain additional ideas by taking more time to amend the existing CRD in another work session. Commissioner Jones seconded the motion. Vote on***

*motion: Dennis Peters-Nay, Joseph L. Scott-Nay, Gordon Walker-Aye, Lindsay Holt-Aye, Jennifer Shah-Aye, James S. Jones-Aye, Chair Perry Bolyard-Aye. The motion passed 5-to-2.*

Chair Bolyard suggested direction be given to staff to look at alternatives at the next work session.

### **3.2 Approval of December 7, 2011 Minutes.**

*(18:32:49) Commissioner Peters moved to approve the minutes of December 7, 2011, as written. Commissioner Holt seconded the motion. Vote on motion: Dennis Peters-Aye, Joseph L. Scott-Aye, Gordon Walker-Aye, Lindsay Holt-Aye, Jennifer Shah-Aye, James S. Jones-Abstained, Chair Perry Bolyard-Aye. The motion passed unanimously with one abstention.*

### **4.0 ADJOURNMENT**

*(18:33:23) Commissioner Shah moved to adjourn. Commissioner Holt seconded the motion. Vote on motion: Dennis Peters-Aye, Joseph L. Scott-Aye, Gordon Walker-Aye, Lindsay Holt-Aye, Jennifer Shah-Aye, James S. Jones-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.*

The meeting adjourned at 6:33 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Planning Commission Meeting held Wednesday, January 4, 2012.*

A handwritten signature in dark ink, reading "Teri Forbes". The signature is written in a cursive, flowing style. The first name "Teri" is written with a large, looped 'T' and a small 'i'. The last name "Forbes" is written with a large 'F' and a long, sweeping underline that extends to the right.

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Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes approved: